

Milbank

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March 9, 2023

BY ECF

Honorable Louis L. Stanton
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Broadcast Music, Inc.*, 64-cv-03787 (LLS)

Dear Judge Stanton:

We write on behalf of Broadcast Music, Inc. (“BMI”) regarding BMI’s pending Application for Construction of Broadcast Music, Inc.’s Consent Decree Pursuant to Article XIII of the Decree and 28 U.S.C. § 137(b)(2), ECF No. 139 (the “Application”). The Application addresses whether the BMI Consent Decree precludes a joint rate court proceeding against BMI and the American Society of Composers, Authors and Publishers,¹ or whether such proceedings are permitted under the Music Modernization Act.

The Application has been fully briefed. *See* ECF Nos. 139, 143, 145. To the extent that the Court believes that it would benefit from a conference to discuss the Application, or other issues related thereto, BMI will endeavor to make itself available at the Court’s earliest convenience.

¹ On July 19, 2022, the Hon. John P. Cronan issued an order staying the joint rate court proceeding that is the subject of the Application until after final resolution of the Application in this Court. *See Radio Music License Comm., Inc. v. Am. Soc'y of Composers, Authors and Publishers and Broad. Music, Inc.*, 22-cv-05023, ECF No. 31.

Hon. Louis L. Stanton
March 9, 2023

Respectfully submitted,

/s/ Scott A. Edelman
Scott A. Edelman

cc: Yvette F. Tarlov, Chief, Media, Entertainment, and Professional Services Section, United States Department of Justice (*via email*)
Owen M. Kendler, Chief, Financial Services, Fintech, and Banking Section (*via email*)
Kenneth Steinthal, Counsel to the RMLC (*via email*)